



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

Ms. Tinka G. Hyde, Acting Director
Water Division
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (W-15J)
Chicago, Illinois 60604-3507

Dear Ms. Hyde:

The Michigan Department of Environmental Quality (MDEQ) certifies that discharges from vessels covered by the United States Environmental Protection Agency's (USEPA's) General Permit for Discharges Associated with Recreational Vessels (RGP), will comply with the Michigan Water Quality Standards (MWQS), provided the conditions set forth in this Certification are met. This Certification is issued under Section 401(a) of the federal Clean Water Act (CWA) in response to your letter of July 8, 2008, to Ms. Diana Klemans, Chief, Surface Water Assessment Section, Water Bureau, and is based on the information and materials included in Docket ID No. EPA-HQ-OW-2008-0056, available at <http://www.regulations.gov>.

Certification Conditions:

1. The USEPA must effectively demonstrate to the MDEQ that the technology-based limitations and related requirements contained in the USEPA's RGP are stringent enough to achieve MWQS prior to authorizing discharges in Michigan waters from vessels covered by the USEPA's RGP. [Title 40 of the Code of Federal Regulations, Section 122.44(d); and R 323.2189 of the Part 21 Rules, Wastewater Discharge Permits, promulgated under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA)]
2. The USEPA must effectively demonstrate to the MDEQ that discharges from vessels covered by the USEPA's RGP will not cause a lowering of water quality or that a lowering of water quality is necessary to accommodate important economic or social development prior to authorizing such discharges in Michigan waters. (R 323.1098 of the MWQS)
3. Discharges of blackwater and graywater from vessels covered by the USEPA's RGP are prohibited in Michigan waters. (Part 95, Watercraft Pollution Control, of the NREPA)
4. Oceangoing recreational vessels less than 79 feet or 24.08 meters covered by the USEPA's RGP are prohibited from discharging ballast water in Michigan waters unless the vessel has obtained a Certificate of Coverage under the MDEQ's Ballast Water Control General Permit (Permit No. MIG140000) and is in full compliance with the discharge limitations, monitoring requirements, and other conditions set forth in that General Permit. [Section 3112(6) of Part 31 of the NREPA]

5. Non-oceangoing recreational vessels less than 79 feet or 24.08 meters covered by the USEPA's RGP that operate experimental ballast water treatment systems are prohibited from discharging ballast water in Michigan waters with total residual chlorine concentrations above 38 micrograms per liter (ug/l) when the ballast water discharge duration exceeds 160 minutes, or above 200 ug/l when the ballast water discharge duration is less than or equal to 160 minutes. Non-oceangoing commercial and large recreational vessels covered by the USEPA's RGP that operate experimental ballast water treatment systems are prohibited from discharging ballast water in Michigan waters with chlorite concentrations above 13 ug/l. (R 323.1057 of the MWQS)
6. All vessels covered by the USEPA's RGP are prohibited from lowering the water quality of Michigan's Outstanding State Resource Waters or their tributaries. The following water bodies in Michigan are designated as Outstanding State Resource Waters: (R 323.1098 of the MWQS)
 - The Carp River (Mackinac County) – the 7.5-mile segment from Michigan State Highway 123, T42N, R5W, Section 2, to one-quarter mile upstream from Forest Development Road 3119, T42N, R4W, Section 4.
 - The Carp River (Mackinac County) – the 4.9-mile segment from one-quarter mile downstream of Forest Development Road 3119, T42N, R4W, Section 3, to McDonald Rapids.
 - The east branch of the Ontonagon River (Houghton and Ontonagon Counties) – the 25.5-mile segment from the east branch of the Ontonagon River's confluence with an unnamed stream in T48N, R37W, Section 30, to the Ottawa National Forest boundary, T50W, R38W, Section 33.
 - The middle branch of the Ontonagon River (Ontonagon County) – the 17.4-mile segment from Trout Creek, T48N, R38W, Section 20, to the northern boundary of the Ottawa National Forest, T50N, R39W, Section 12.
 - The Sturgeon River (Baraga and Houghton Counties) – the 16.5-mile segment from the Sturgeon River's entry into the Ottawa National Forest, T48N, R35W, Section 12, to Prickett Lake.
 - The east branch of the Tahquamenon River (Chippewa County) – the 3.2-mile segment from the center of T46N, R6W, Section 20, to the boundary of the Hiawatha National Forest, T46N, R6W, Section 19.
 - The Yellow Dog River (Marquette County) – the 4-mile segment from the Yellow Dog River's origin at the outlet of Bulldog Lake Dam, T50N, R29W, Section 31, to the boundary of the Ottawa National Forest, T50N, R29W, Section 17.
 - The main, north, south, east, and west branches of the Two Hearted River and Dawson Creek from their headwaters to the mouth of the river at Lake Superior.

- Water bodies within the designated boundaries of the following national parks or lakeshores: Sleeping Bear Dunes National Lakeshore, Pictured Rocks National Lakeshore, and Isle Royale National Park.
7. All discharges in Michigan waters from vessels covered by the USEPA's RGP are prohibited from causing or contributing to exceedances of the MWQS. (MWQS)
 8. All discharges authorized by the USEPA's RGP shall comply with all effluent limitations and related requirements and all other terms and conditions contained in the RGP. (MWQS)
 9. The state of Michigan reserves the right to seek civil and/or criminal penalties and liabilities under applicable law for natural resource damages that may occur. (Part 31 of the NREPA)
 10. If the MDEQ determines that vessel discharges covered by this Certification can no longer comply with Section 401 of the CWA or the MWQS, then this Certification may be revoked or modified after appropriate public notice. (CWA, Section 401)
 11. All conditions of this Certification apply in all Michigan waters regardless of their distance from shore. (MWQS)
 12. The issuance of this Certification does not authorize violation of any federal, state or local laws or regulations, nor does it obviate the necessity of obtaining such permits, including any other MDEQ permits, or approvals from other units of government as may be required by law. (Part 31 of the NREPA)
 13. The contact point for consultation, submittals, and approvals as referred to in this Certification is:

MDEQ Chief, Surface Water Assessment Section
 P.O. Box 30273
 Lansing, Michigan 48909-7773
 Phone: 517-335-4121

This Certification shall expire five years after the date of issuance for the USEPA's RGP.

The MDEQ reserves the right to challenge the USEPA's RGP.

Should you require further information regarding this Certification, please contact Ms. Klemans at 517-335-4121, or you may contact me.

Sincerely,

Jim Sygo
Deputy Director
517-241-7394